

HOUSE No. 2072

By Mr. DeLeo of Winthrop, petition of Robert A. DeLeo and others for legislation to create an advisory board to the Massachusetts Port Authority and making certain changes to the Board of Directors of said authority. Transportation.

The Commonwealth of Massachusetts

PETITION OF:

Robert A. DeLeo	Byron Rushing
Eugene L. O'Flaherty	Patricia D. Jehlen
Jay R. Kaufman	Michael E. Festa
Elizabeth A. Malia	Susan W. Pope
Kathi-Anne Reinstein	

In the Year Two Thousand and Five.

AN ACT CREATING AN ADVISORY BOARD TO THE MASSACHUSETTS PORT AUTHORITY AND MAKING CERTAIN CHANGES TO THE MASSACHUSETTS PORT AUTHORITY BOARD OF DIRECTORS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 465 of the Acts of 1956 is hereby
2 amended by adding at the end thereof the following section:—
3 Section 36. (a) There shall be an advisory board to the
4 authority consisting of a voting representative of each of the
5 following cities and towns: Braintree, Bedford, Brookline, Cam-
6 bridge, Chelsea, Cohasset, Concord, Everett, Hingham, Hull, Lex-
7 ington, Lincoln, Malden, Melrose, Medford, Milton, Nahant,
8 Quincy, Revere, Somerville, Weymouth, and Winthrop; provided
9 further, that the city of Boston shall have seven voting representa-
10 tives, one of whom shall be a resident of the Beacon Hill or South
11 End sections of the city of Boston, one of whom shall be a resi-
12 dent of the East Boston section of the city of Boston, one of
13 whom shall be a resident of the Dorchester or Roxbury sections of
14 the city of Boston, one of whom shall be a resident of the

15 Charlestown section of Boston, one of whom shall be a resident of
16 the South Boston section of the city of Boston, one of whom shall
17 be a resident of the Roslindale or Hyde Park sections of the city of
18 Boston, and one of whom shall be a resident of the West Roxbury
19 or Jamaica Plain sections of the city of Boston. The members of
20 the advisory board shall consist of the chief executive officer
21 thereof; provided however, that any chief executive officer, by
22 writing filed with the authority, may appoint a permanent designee
23 to serve in his stead as a member of said advisory board until the
24 expiration of each term of office of the designating chief execu-
25 tive officer or the earlier vacancy of the office of the designating
26 chief executive officer; provided further, that if the chief execu-
27 tive officer of the city of Boston opts to serve as the representative
28 for the city of Boston to the advisory board, he shall be deemed to
29 represent the forgoing sections of the city of Boston; provided fur-
30 ther that a permanent designee shall be versed in at least one of
31 the following three disciplines: environmental affairs, commu-
32 nity/airport relations or public health. For the purpose of this
33 section, the term “chief executive officer” shall mean the person
34 designated as the chief executive officer under the provisions of a
35 local charter or laws having the force of a charter, and otherwise
36 the mayor in every city and the chairman of the board of
37 selectmen or president of the town council, as the case may be, in
38 every town.

39 (b) Except as otherwise prescribed in this section, each voting
40 representative shall cast one vote on the advisory board. Each
41 voting representative of the several sections of the city of Boston
42 as listed in paragraph (a) shall cast one vote. Wherein the chief
43 executive officer of the city of Boston shall opt to serve as the
44 representative to the advisory board for the city of Boston, he
45 shall cast seven votes.

46 (c) Said advisory board may act at a regular periodic meeting
47 called in accordance with its by-laws; or at a special meeting
48 called by the authority; or if a majority of board members choose
49 to do so. Except as specially provided in paragraph (f), a quorum
50 of the advisory board shall consist of a simple majority of voting
51 members present, and the advisory board may act, except as other-
52 wise provided in paragraph (f), by affirmative casting of a
53 majority of the votes represented in the quorum. The advisory

54 board shall be deemed to be a governing body for the purposes of,
55 and shall be subject to, section 11A½ of chapter 30A of the
56 General Laws, as appearing in the 2002 Official Edition.

57 (d) For the conduct of its business said advisory board shall
58 adopt and may revise and amend by-laws. Said advisory board
59 shall annually elect a chairperson, a vice-chairperson, a secretary
60 and such officers as said advisory board might determine. Each
61 officer may be removed by a two-thirds vote of the advisory board
62 without cause. In the event of a vacancy, said board shall fill the
63 vacancy for the unexpired term. Each member of said advisory
64 board shall serve without compensation but may be reimbursed, as
65 an expense of said advisory board, for all reasonable expenses
66 incurred in the performance of his duties as approved by the advisory board.
67

68 (e) The purposes of the advisory board shall be as follows:

69 (i) to appoint three members of the board of directors of the
70 massachusetts port authority, as provided for in section 2 of this
71 chapter, as amended by section 2 of this Act, and in the manner
72 prescribed in paragraph (f) of this section;

73 (ii) to make recommendations to the authority on annual current
74 expense expenditure budgets submitted to the advisory board
75 under paragraph (j);

76 (iii) to hold hearings, which may be held jointly with the
77 authority at the discretion of the advisory board and said authority,
78 on matters relating to said authority;

79 (iv) to review the annual report of the authority and to prepare
80 comments thereon to the authority and the governor, and to make
81 such examinations of the reports on the authority's records and
82 affairs as the advisory board deems appropriate; and

83 (vi) to make recommendations to the governor and the general
84 court respecting the authority and its programs. The advisory
85 board shall have all powers necessary or convenient to carry out
86 and effectuate the foregoing purposes.

87 (f) Three members of the board of directors shall be appointed
88 by the advisory board in accordance with section 2 of this chapter,
89 as amended; two of whom shall be a resident of one of the
90 following communities: Braintree, Brookline, Cambridge,
91 Chelsea, Cohasset, Everett, Hingham, Hull, Lincoln, Malden,
92 Melrose, Medford, Milton, Nahant, Quincy, Revere, Somerville,

93 Weymouth, or Winthrop; and one of whom shall be a resident of
94 the communities of Bedford, Concord, Lexington or Lincoln.
95 Members of the board of directors so appointed may also be mem-
96 bers of said advisory board. Said advisory board shall appoint
97 successor members, who shall replace that member of the board of
98 directors appointed by the advisory board whose term has expired
99 or otherwise terminated. With respect to appointment of any
100 member of the board of directors the advisory board shall act only
101 if a special quorum is present consisting of two-thirds of voting
102 members, and then only by an affirmative vote of two-thirds of
103 the voting members.

104 (g) Within thirty days of receiving any proposed current
105 expense budget of the authority or within fifteen days of receiving
106 any proposed amended expense budget of the authority, the advi-
107 sory board shall hold a public hearing on matters relating to said
108 budget for the purpose of ascertaining, for subsequent report to
109 the authority if necessary, the views of the public thereon.

110 (h) The advisory board shall provide for the appointment of an
111 ombudsman who, with the assistance from such staff and consul-
112 tants as the advisory board may authorize and appoint, shall act
113 for and in the name of the advisory board in the following
114 respects:

115 (i) preparation of analysis for the advisory board of the authori-
116 ty's current expense budgets, capital expenditure budgets and cap-
117 ital programs and their effect on the charges of said authority;

118 (ii) representation of the advisory board to said authority on all
119 matters pertaining to said authority's programs, operations,
120 finances and charges;

121 (iii) reporting regularly to the advisory board on the activities
122 of the ombudsman and other staff of the advisory board, on the
123 affairs of the Authority, and on the effect of the authority's pro-
124 gram and operations on residents of neighboring communities.

125 (iv) exercising such other duties and responsibilities consistent
126 with the powers of the advisory board as the advisory board may
127 assign from time to time.

128 (i) The advisory board may incur annual expenses, not to
129 exceed \$500,000 for expenses authorized under paragraph (c) and
130 for personnel and office expenses. Said annual expenses shall be
131 paid by the authority.

132 (j) The authority shall provide any information, including but
133 not limited to, annual current expense expenditure budgets and
134 capital expenditure reports, requested by the advisory board which
135 are necessary for the discharge of its duties; provided however,
136 that the advisory board shall not be granted access to any informa-
137 tion if it be determined by the executive director of the authority
138 and the director of security for the authority that the release of
139 such information would be detrimental to public safety; provided
140 further, that said determination shall be made in writing and said
141 writing shall be delivered to the advisory board within two days;
142 and, provided further, that said writing shall be signed by the
143 executive director and director of security of said authority under
144 pains and penalties of perjury.

1 SECTION 2. Section 2 of chapter 465 of the Acts of 1956 is
2 hereby amended by striking the first sentence of the second para-
3 graph and inserting in place thereof the following:—
4 “The Authority shall consist of thirteen members; seven of
5 whom shall be appointed by the governor by and with the advice
6 and consent of the council; three of whom shall be appointed by
7 the advisory board according to the by-laws of said board; and
8 three of whom shall be appointed by the mayor of the city of
9 Boston; provided further, that no less than one member appointed
10 by said mayor be a resident of the East Boston section of the city
11 of Boston. Those members of the Authority, having been duly
12 appointed by the governor prior to January 1, 2005, shall continue
13 until such time as their designated term expires; at which time the
14 governor shall appoint a replacement who shall serve a term of
15 seven years. Those members of the Authority appointed by the
16 advisory board and mayor of the city of Boston shall be appointed
17 as follows: Said advisory board and mayor shall each appoint
18 three initial members, one of whom shall serve for a term of five
19 years, one of whom shall serve for a term of six years, and one of
20 whom shall be serve for a term of seven years. Upon expiration
21 of the terms of all initial appointees, the advisory board or mayor
22 of the city of Boston, whichever applicable, shall appoint a
23 replacement whose term shall be seven years. Thereafter all
24 members shall be appointed for seven year terms in accordance
25 with this act.